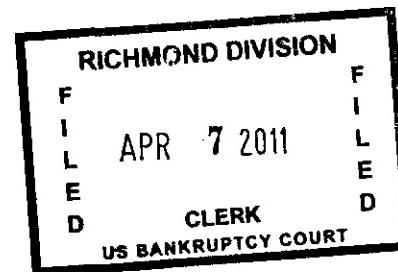


1 DUANE DAVIDSON  
2 Benton County Treasurer  
3 Prosser Courthouse  
4 Second Floor  
5 620 Market Street  
6 P.O. Box 630  
7 Prosser, WA 99350  
Phone: (509) 786-2255  
Fax: (509) 786-5628



10 **UNITED STATES BANKRUPTCY COURT**  
11 **EASTERN DISTRICT OF VIRGINIA**  
12 **RICHMOND DIVISION**

13 In re:  
14 CIRCUIT CITY STORES, INC., et al.,  
15 Debtors.

CASE No. 08-35653 (KRH)  
Chapter 11  
(Jointly Administered)

17  
18 **BENTON COUNTY TREASURER'S OPPOSITION TO THE**  
19 **LIQUIDATING TRUST'S EIGHTEENTH OMNIBUS OBJECTION**  
20 **TO CLAIMS**

21 The Benton County Treasurer's Office hereby files its Opposition to the  
22 Liquidating Trust's Eighteenth Omnibus Objection to Claims Filed by Taxing  
23 Authorities. This Opposition is based on any pleadings on file herein, the following  
24 points and authorities, and the attached exhibits.  
25  
26  
27  
28

BENTON COUNTY TREASURER'S  
OPPOSITION TO THE LIQUIDATING  
TRUST'S EIGHTEENTH OMNIBUS OBJECTION TO CLAIMS -1

1                   **I. STATEMENT OF FACTS AND PROCEDURAL HISTORY**

2                   On or about February 27, 2009, the Treasurer of Benton County, Washington,  
3 filed a claim, claim number 11711, in the present action for unpaid personal property  
4 taxes in the amount of \$3,344.53. *See*, true and accurate copy of claim, attached  
5 hereto as **Exhibit A**. That amount was based on personal property reported by the  
6 Debtor as having an aggregate original purchase cost of \$1,067,892. *See*, true and  
7 accurate copy of debtor's Personal Property Assessment Notice, attached hereto as  
8 **Exhibit B**. Applying the Washington Department of Revenue valuation guidelines,  
9 the resulting assessed value was \$285,293. *See*, true and correct copy of excerpts  
10 from Washington Department of Revenue Personal and Industrial Property Valuation  
11 Guidelines, attached hereto as **Exhibit C**. At the applicable levy rate, that resulted  
12 in a tax liability of \$3,344.53. *See* Exhibit A, p. 2

13                  The Debtor contested the valuation, and a hearing was held before the Benton  
14 County Board of Equalization on January 13, 2010. *See*, true and accurate copy of  
15 Order of Benton County Board of Equalization, attached hereto as **Exhibit D**. The  
16 Board of Equalization upheld the valuation of the property. *Id.* The Debtor did not  
17 appeal from the Board of Equalization's findings.

18                  On or about February 28, 2011, the Circuit City Stores, Inc. Liquidating Trust  
19 filed its Eighteenth Omnibus Objection to Claims filed by Taxing Authorities seeking  
20 a reduction in Benton County's assessment.  
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**BENTON COUNTY TREASURER'S  
OPPOSITION TO THE LIQUIDATING  
TRUST'S EIGHTEENTH OMNIBUS OBJECTION TO CLAIMS -2**

## II. ANALYSIS

Before reaching the basis of Benton County's assessment, the Liquidating Trust's objection is barred by 11 U.S.C. § 505(a)(2)(C), which provides that a court may not determine the legality or amount of any ad valorem tax on real or personal property "if the applicable period for contesting or redetermining that amount under any law (other than bankruptcy law) has expired."

In the present case, the Debtor unsuccessfully contested its property tax assessment in the January of 2009, *see Exhibit D*, after which it had 30 days to appeal to the Washington State Board of Tax Appeals, RCW 84.08.130. The Debtor did not do so, and so the applicable period to contest or seek a redetermination of the valuation expired in the February of 2009. Accordingly, the revaluation sought by the Liquidating Trustee is untimely and is barred by 11 U.S.C. § 505(a)(2)(C).

Further, even if the Court were to undertake a revaluation of the subject personal property, the Court would look to the state law of the taxing entity, in this case the tax laws of Washington State. *See In re Laptops Etc. Corp.*, 164 B.R. 506, 514 (1993). Here, Benton County applied the depreciation guidelines provided by the Washington State Department of Revenue to personal property purchase costs provided by the Debtor, resulting in the valuation at issue. *See*, Exhibits B, C. Under Washington law, that assessment is presumptively correct, and that presumption can only be overcome upon a showing of “clear, cogent and convincing evidence.” RCW

1 84.40.0301. In support of its objection, however, the Liquidating Trust has produced  
2 no evidence or reasoning, providing only the conclusory comment that the valuation  
3 should be "Reduced to reflect amount of tax based on fair market value of debtors  
4 property subject to tax." Liquidating Trust's Eighteenth Omnibus Objection to  
5 Claims Filed by Taxing Authorities, Exhibit C. Accordingly, the Liquidating Trustee  
6 has not met its burden to overcome the statutory presumption of the correctness of the  
7 valuation.

10 **III. CONCLUSION**

12 The Benton County Treasurer's Office respectfully requests that the Court deny  
13 the Liquidating Trust's Eighteenth Omnibus Objection with respect to Benton  
14 County's claim.

16 Dated this 6 day of April, 2011.

17 By: DUANE DAVIDSON  
18 DUANE DAVIDSON  
19 Benton County Treasurer  
20 Prosser Courthouse  
21 Second Floor  
22 620 Market Street  
23 P.O. Box 630  
24 Prosser, WA 99350  
Telephone: (509) 786-2255  
Fax: (509) 786-5628

1 CERTIFICATE OF SERVICE  
2  
3

4 I certify that I served, in the manner indicated below, a true and correct copy  
5  
6 of the foregoing document as follows:

7 Jeffrey N. Pomerantz, Esq.  U.S. Regular Mail, Postage Prepaid  
8 Andrew W. Caine, Esq.  Legal Messenger  
9 PACHULSKI STANG ZIEHL & JONES LLP  X Overnight Express  
10 10100 Santa Monica Boulevard  Facsimile  
11 Los Angeles, CA 90067-4100  Hand Delivery by \_\_\_\_\_  
12  
13 Robert J. Feinstein, Esq.  U.S. Regular Mail, Postage Prepaid  
14 PACHULSKI STANG ZIEHL & JONES LLP  Legal Messenger  
15 780 Third Avenue, 36th Floor  X Overnight Express  
16 New York, NY 10017  Facsimile  
17  Hand Delivery by \_\_\_\_\_  
18  
19 Lynn L. Tavenner, Esq.  U.S. Regular Mail, Postage Prepaid  
20 Paula S. Beran, Esq.  Legal Messenger  
21 TAVENNER & BERAN, PLC  X Overnight Express  
22 20 North Eighth Street, 2nd Floor  Facsimile  
23 Richmond, VA 23219  Hand Delivery by \_\_\_\_\_  
24  
25  
26  
27  
28

DATED this 6<sup>th</sup> day of April, 2011, at Kennewick, Washington.

  
19 SHANNON C. SLAGHT  
20  
21  
22  
23  
24  
25  
26  
27  
28

**United States Bankruptcy Court**  
**Eastern District of Virginia, Richmond Division**

**REQUEST FOR PAYMENT  
OF  
ADMINISTRATIVE  
EXPENSES**

In Re: CIRCUIT CITY STORES, INC., et al.

Case Number: 08-35653 thru 08-35670  
Chapter 11 Jointly Adm.

Name of Debtor: CIRCUIT CITY STORES, INC.

08-35653

**NOTE:** This form should only be used to make a claim for an administrative expense as defined in 11 U.S.C. § 503. This "request" for payment of an administrative expense relates to the actual costs of preserving the estate, including taxes, fines and penalties on the estate in relation to business conducted with the debtor(s). The administrative expenses occurred on or after the petition date but on or before the bar date for the filing of requests for payment of administrative expenses.

**Name of Creditor (Person or entity to whom the debtor owes money or property)**

BENTON COUNTY TREASURER  
P. O. BOX 630  
PROSSER, WA 99350-0630

TELEPHONE NO. (509) 786-2255

Check box if you are aware that anyone else has filed a request for payment of an administrative expense relating to your claim. Attach copy of statement giving particulars.

Check box if you have never received any notices from the bankruptcy court in this case.

Check box if the address differs from the address on the envelope sent to you by the court.

This Space Is For  
Court Use Only

**Name and Address Where Notices Should be Sent**

BENTON COUNTY PROSECUTING ATTORNEY  
7122 WEST OKANOGAN PLACE, BUILDING A  
KENNEWICK, WA 99336-2359

TELEPHONE NO. (509) 786-5608

Check here if this claim:  replaces  
 amends

a previously filed claim, dated:

Last four digits of account or other number by which creditor identifies debtor:

See attached Exhibit A.

**1. Basis for claim:**

- Goods sold
- Services performed
- Money Loaned
- Personal injury/wrongful death

- Taxes
- Other (Describe briefly)
- Retiree benefits as defined in 11 U.S.C. § 1114(a)

Wages, salaries, and compensation (Fill out below)

Last four digits of SSN: \_\_\_\_\_

Unpaid compensation for services performed  
from \_\_\_\_\_ to \_\_\_\_\_  
(date) (date)

**2. Date debt was incurred:**

See attached Exhibit A.

**3. If court judgment, date obtained:**

**4. Amount of claim:** \$3,344.53

(TOTAL)

**5. Administrative expense.**

Post-Petition Administrative Expenses arising on or after: 11/10/08

Brief Description of Administrative expenses:

Real Estate and/or Personal Property Taxes- SEE ATTACHED EXHIBIT A.

Motor Vehicle

Other (Describe briefly)

Interest accrues at the rate of 12% per annum.

**5. Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.)

**7. Supporting documents:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.)

**8. Date-stamped copy:** To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

**CERTIFICATION:** The undersigned certifies under penalty of perjury that the debtors named above are indebted to the claimant in the amount shown, that there is no security for the debt other than that stated above or in an attachment to this form, that no unmatured interest is included, and that the undersigned is authorized to make this claim.

**DATE**

February 27, 2009

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any).

*Lynne A. Davidson*  
DUNNE A. DAVIDSON, Benton County Treasurer

THIS SPACE IS FOR  
COURT USE ONLY

Exhibit

A

CIRCUIT CITY STORES, INC., et al.

08-35653 thru 08-35670 Chapter 11  
Jointly Adm.

CIRCUIT CITY STORES, INC.

08-35653

EXHIBIT A

**PROOF OF CLAIM**

**STATEMENT OF TAXES DUE**

CASE NO: 08-35653

PAGE 1

RENTON COUNTY, WASHINGTON	DATE INCURRED	CURRENT ASSESSED VALUE	DATE TAX DUE	AMOUNT OF TAXES DUE	DATE TAXES DELINQUENT	*AMOUNT OF DELINQUENT INTEREST & COSTS	TOTAL DUE
3-OPC7-490-0000-000	01-28-09	\$328,308	04-30-10	\$3,344.53	05-01-10	\$0.00	\$0.00
			AMOUNT OF ARREARAGE			\$0.00	\$0.00
			CLAIM AMOUNT	\$3,344.53		\$0.00	\$3,344.53

NOTE: RCW 84.56.020 provides that all taxes are due on or before April 30 and are delinquent thereafter, provided, if one half of the taxes are paid by April 30, the second half shall be due on or before October 31 and are delinquent thereafter. Delinquent taxes bear interest at the rate of 12 percent per annum, plus a penalty of three percent of the amount delinquent on June 1st of the year due and an additional eight percent penalty on the amount delinquent on December 1st of the year due.

\*Interest & costs in this column computed through: APR 2010 Interest accrues thereafter as noted above. DATED: 02/27/09

NOTE: TAX IS DUE UPON THE EARLIER  
OF THE SALE DATE OR DUE DATE SHOWN.

---

Name of Debtor: CIRCUIT CITY STORES, INC.

08-35653

---

**EXHIBIT B**  
**RCW 84.60.010**

**"Priority of tax lien.** All taxes and levies which may hereafter be lawfully imposed or assessed shall be and they are hereby declared to be a lien respectively upon the real and personal property upon which they may hereafter be imposed or assessed, which liens shall include all charges and expenses of and concerning the said taxes which, by the provisions of this title, are directed to be made. The said lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt obligation or responsibility to or with which said real and personal property may become charged or liable.  
(Amended by Laws 1969, Ex. Sess., ch. 251, § 1)"

**RCW 84.60.020**

**"Attachment of tax liens.** The taxes assessed upon real property, including mobile homes assessed thereon, and other mobile homes as defined in RCW 82.50.010 shall be a lien thereon from and including the first day of January in the year in which they are levied until the same are paid, but as between the grantor or vendor and the grantee or purchaser of any real property or any such mobile home, when there is no express agreement as to payment of the taxes thereon due and payable in the calendar year of the sale or the contract to sell, the grantor or vendor shall be liable for the same proportion of such taxes as the part of the calendar year prior to the day of the sale or the contract to sell bears to the whole of such calendar year, and the grantee or purchaser shall be liable for the remainder of such taxes and subsequent taxes. The lien for the property taxes assessed on a mobile home shall be terminated and absolved for the year subsequent to the year of its removal from the state, when notice is given to the county treasurer describing the mobile home, if all property taxes due at the time of removal are satisfied. The taxes assessed upon each item of personal property assessed shall be a lien upon such personal property except mobile homes as above provided from and after the date upon which the same is listed with and valued by the county assessor, and no sale or transfer of such personal property shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon each item of personal property of the person assessed, distrained by the treasurer as provided in RCW 84.56.070, from and after the date of the distress and no sale or transfer of such personal property so distrained shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon the real property of the person assessed, selected by the county treasurer and designated and charged upon the tax rolls as provided in RCW 84.60.040, from and after the date of such selection and charge and no sale or transfer of such real property so selected and charged shall in any way affect the lien for such personal property taxes upon such property.

(Amended by Laws 1977, Ex. Sess., ch. 22, § 8, effective May 6, 1977; Laws 1985, ch. 395, § 5)

Barbara Wagner  
 Office of the Assessor  
 BENTON COUNTY  
 7122 W. Okanogan Place, Building A  
 Kennewick, WA 99336

(509) 735-2394

**NOTICE DATE:**

January 28, 2009

5% penalty for each month after due date up to 25%. Willful failure to file return form 100% penalty.

**PENALTY**

PERSONAL PROPERTY LISTING LAW 84.40.040

**MAIL TO**

ACCOUNT NO 30PC74900000000 TAX CODE AREA R2

NAME AND ADDRESS

CIRCUIT CITY STORES INC #3754  
 JAMES E KING  
 PO BOX 42304  
 RICHMOND VA 23242-2304

**PERSONAL PROPERTY LOCATION**

1430 TAPTEAL DR, RICHLAND

REAL ESTATE PARCEL NO. CLASS CODE 59

**THIS IS A COPY  
 FOR YOUR RECORDS  
 OF YOUR  
 PERSONAL PROPERTY  
 ASSESSMENT**

<b>Asset or Line No.</b>	<b>Schedule</b>	<b>Description</b>	<b>Purchase Year</b>	<b>Total Cost</b>	<b>Assessed Value</b>
- Assessed Value for 2010 tax year -					
0020	16	FURNITURE AND FIXTURES	2000	\$552,019	\$140,765
0030	16	MACHINERY AND EQUIPMENT	2000	\$141,719	\$36,138
0080	19	SIGN	2000	\$2,100	\$386
0010	30	COMPUTERS/POS	2000	\$135,418	\$20,313
0060	16	FURNITURE AND FIXTURES	2001	\$83,556	\$25,234
0070	24	MACHINERY AND EQUIPMENT	2001	\$977	\$147
0050	30.5	COMPUTERS	2001	\$725	\$30
0090	16	FURNITURE AND FIXTURES	2002	\$5,415	\$1,933
0100	16	MACHINERY AND EQUIPMENT	2002	\$12,228	\$4,365
0110	16	FURNITURE	2003	\$92,114	\$38,780
0130	30.5	COMPUTER	2004	\$446	\$66
0140	30.5	COMPUTERS	2005	\$13,650	\$3,003
0150	16	FURNITURE	2006	\$3,215	\$2,048
0170	24	MACH & EQUIP	2006	\$8,191	\$3,866
0160	30.5	COMPUTERS	2006	\$8,641	\$2,834
00180	16	FURNITURE	2007	\$2,908	\$2,117
00190	24	MACH & EQUIP	2007	\$3,223	\$1,921
0040	SU	SUPPLIES - MONTHLY AVG	2009	\$1,347	\$1,347
			<b>Totals:</b>	<b>\$1,067,892</b>	<b>\$285,293</b>

Exhibit B

THE ABOVE ASSESSED VALUATION HAS BEEN PROCESSED FROM YOUR REPORTED PERSONAL PROPERTY LISTING

NOTICE: THIS IS NOT A TAX STATEMENT but a copy of your personal property assessment. This value will be used when computing next year's tax statement. If you believe this total assessed value does not represent true and fair market value, please present your objection to the County Assessor. You may petition the County Board of Equalization by July 1st or 30 days from the date of notice, whichever is later.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Head of Family Exemption	
State School Exemption	



# **Personal and Industrial Property Valuation Guidelines — Trended Investment Method for January 1, 2009**

## **If You Have Questions**

For questions about these *Guidelines* or other personal and industrial property tax issues, contact:

Name	Title	Phone Number	E-Mail Address
Pete Levine	Personal Property Supervisor	(360) 570-5884	<a href="mailto:PeteL@dor.wa.gov">PeteL@dor.wa.gov</a>
Howard Hubler	Property Tax Supervisor	(425) 356-4850	<a href="mailto:HowardH@dor.wa.gov">HowardH@dor.wa.gov</a>

To access the *2009 Personal Property and Industrial Valuation Guidelines*:

- Go to the Department of Revenue's web site at [www.dor.wa.gov](http://www.dor.wa.gov).
- Select **Find taxes and rates** on the left side of the screen.
- Select **Property tax** below the **Find taxes and rates** heading.
- Scroll down and select **Property tax publications** on the right side of the screen.
- Select either **Personal Property Valuation Guidelines** or **Industrial Valuation Guidelines** in the center of the screen.
- Select **2009**.

Exhibit C

Property Tax Division

P O Box 47471 ♦ Olympia, Washington 98504-7471 ♦ (360) 570-5900 ♦ Fax (360) 586-7602

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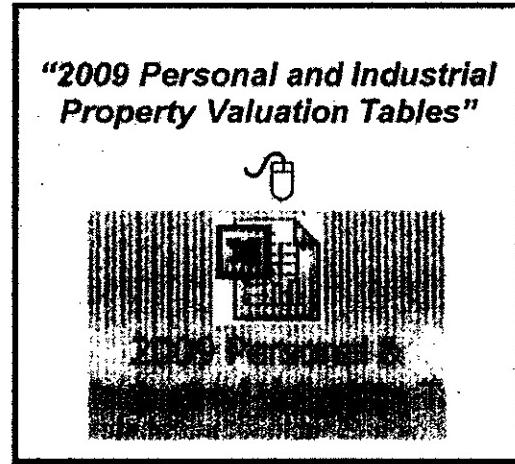
### Valuation Tables -- *MS Excel Link*



Double click on the MS Excel icon in the box below to access the “2009 Personal and Industrial Property Valuation Tables.”

Included in the link – in the box below – to the Excel file are the following worksheets and the respective tables:

- 2009 Combined Tables (All)
- 2009 Trend I Table
- 2009 Trend II and III Tables
- 2009 Building and Land Improvements Table
- 2009 Title Plant (Supp B)
- Informational – 2009 Trend with Freeze
- Informational – Declining Balance Table



<b>Bottling &amp; Soft Drinks Mfg</b>	
<i>Part of production line</i>	10
<i>Free standing, not part of a production line</i>	14
<i>Beverage Canisters/Cylinders (i.e., Pre-Mix Soda Pop)</i>	10
<i>CO2 Tanks/Cylinders</i>	10
<b>Casino Equipment</b>	
<i>Video Type</i>	24
<i>Game Type (F&amp;F, i.e., blackjack table, roulette wheel, etc.)</i>	19
<b>Convenience Stores</b>	
<i>Cash Registers &amp; Scanners</i>	24
<i>Dispensers (gas)</i>	20
<i>Fixtures &amp; Equipment</i>	16
<i>POS (Point of Sale computer systems)</i>	30
<i>Walk-in Coolers</i>	12
<b>Game Consoles (Playstation, Wii, Xbox, etc.)</b>	24
<b>Gas Stations</b>	
<i>Cash Registers &amp; Scanners</i>	24
<i>Dispensers (gas)</i>	20
<i>Fixtures &amp; Equipment</i>	16
<i>POS (Point of Sale computer systems)</i>	30
<i>Walk-in Coolers</i>	12
<b>Generators (gas &amp; diesel)</b>	16
<b>Soft Drink Mfg. M&amp;E</b>	
<i>Part of production line</i>	10
<i>Free standing, not part of a production line</i>	14
<i>Beverage Canisters/Cylinders (i.e., Pre-Mix Soda Pop)</i>	10
<i>CO2 Tanks/Cylinders</i>	10
<b>Survey Equipment</b>	
<i>Electronic</i>	24
<i>Other Survey M&amp;E (non-electronic)</i>	14
<b>Tanks</b>	
<i>Agricultural Tanks</i>	16
<i>Beverage Canisters/Cylinders (i.e., Pre-Mix Soda Pop)</i>	10
<i>Bulk Petroleum &amp; Chemical</i>	B&LI Trend/6.5
<i>CO2 Tanks/Cylinders (&amp; other Specialty Gasses)</i>	10
<i>Cryogenic Tanks (part of an M&amp;E setting)</i>	7.5
<i>Oxygen &amp; Acetylene Tanks/Cylinders</i>	10
<i>Propane Tanks/Cylinders</i>	12
<i>Winery Tanks</i>	7.5

recorders) decline to 2 percent good, and two of the Microchip Manufacturing M&E categories decline to 5 percent good. In addition, network computer equipment and mainframes are valued using the Trend II ‘N’ table, which declines to 5 percent good.

## Questions & Answers

In the past, we have been asked to respond to a few specific questions about aspects and issues relating to the assessment and valuation of certain property. The following Q&As address some of those questions.

- Q. I see a separate table for CNC Milling Machines, *Trend III / MM*. What is a milling machine and how do I use that table?
- A. A milling machine is a machine used for the complex shaping of metal and possibly other solid materials. Milling machines can perform a vast number of complex operations such as a slot, cutting, planing, drilling, rebating, routing, etc. They can be either manually controlled or CNC and are generally not directly part of a production line, but rather they are associated with machine shops and other manufacturing processes. The combined table *Trend III / MM* is recommended for CNC milling machines where it can be demonstrated that the CNC hardware component is integrated with the equipment (i.e., an all-in-one unit) in such a way that the CNC cannot be separated from the machine or modified other than by software programming. The table accounts for the technological changes that have occurred in the industry. Milling machines and machine shop equipment without an integrated CNC component are valued using the 12 percent table.
- Q. What about rental assets, are they taxable and at what cost?
- A. Rental assets, whether held or owned for short-term rental (generally less than 30 days) or long-term rental/lease, are assessable and are to be valued at 100 percent of their true and fair market value. This is to say that the historical or original costs need to be reported at the retail trade level in order to adequately arrive at a market value using the valuation guidelines.
- Q. How should I value a crawler (bulldozer)? In construction should I use a 16 percent table, or on a farm a 12 percent table; or what if it is part of a logging operation, should I use an 18 percent table?
- A. Use a 16 percent table for crawlers, or bulldozers, regardless of business type, with a few exceptions:
- Crawlers, or bulldozers, with grapples are generally purchased and used for logging, and therefore should be valued using an 18 percent table.
  - Crawlers such as “Cat Challengers,” or similar types, are essentially tractors that have tracks and should be valued at a 12 percent table. These typically have tracks, but are otherwise built and used like tractors; i.e., they have a PTO for operating implements like most tractors, and they are used similarly to a rubber-tired tractor in farming operations and are less likely to be found on construction sites.

**INDEX TO**  
**TRENDED INVESTMENT VALUATION INDICATORS**  
*For January 1, 2009, Valuations*

**BUSINESS ACTIVITY OR TYPE OF BUSINESS**

**Use Trend I from Combined Table unless Trend II, Trend III, Supp. A, or Supp. B is indicated**

## **TRENDED INVESTMENT VALUATION INDICATORS**

*For January 1, 2009, Valuations*

**BUSINESS ACTIVITY OR TYPE OF BUSINESS**

**Use Trend I from Combined Table unless Trend II, Trend III, Supp. A, or Supp. B is indicated**

	Trend/Column	Trend/Column	
<b>Garage M&amp;E</b>	18	- L -	
<b>Garbage Dumpsters</b>	16		
<b>Gas Stations</b>			
<i>Dispensers (gas)</i>	20	<b>Laboratories</b>	
<i>Equipment</i>	18	<i>Diagnostic</i>	24
<i>Store F&amp;F</i>	16	<i>Equipment (non-electric)</i>	18
<b>General Contractor M&amp;E</b>	16	<i>Equipment (electronic &amp; computerized)</i>	24
<b>Generators (gas &amp; diesel)</b>	16		
<b>Golf Courses</b>		<b>Land Improvements &amp; Buildings</b>	
<i>Carts</i>	20	<i>Bldg Class CDS &amp; Land Imprvmts.</i> <i>B&amp;LI Trend /4(L)</i>	
<i>Equipment</i>	18	<i>Chemical Buildings</i> <i>B&amp;LI Trend /6.5(CH)</i>	
<i>Tractors</i>	12	<i>Short-lived Improvements – carpet, asphalt paving, fencing, etc.</i> <i>B&amp;LI Trend/16(SL)</i>	
<b>GPS Receivers (not affixed)</b>	30		
<b>Greenhouse &amp; Nursery M&amp;E</b>	16	<b>Landscaping M&amp;E</b>	16
<b>Grocery Stores</b>			
<i>Cash Registers &amp; Scanners</i>	24	<b>Laundry &amp; Dry Cleaning</b>	
<i>Fixtures &amp; Equipment</i>	16	<i>Coin-Op</i>	24
<i>Meat Packing</i>	12	<i>Other Than Coin-Op</i>	14
<i>POS (Point of Sale computer systems)</i>	30		
<i>Walk-in Coolers</i>	12	<b>Law Libraries</b>	12
	- H -		
<b>Hardware Store F&amp;F</b>	16	<b>Leather Products Mfg. M&amp;E</b>	8.5
<b>Hatchery M&amp;E</b>	16	<b>Libraries (professional)</b>	12
<b>Health Spa Equip.</b>		<b>Lift Trucks</b>	
<i>Manual</i>	16		<i>(see Forklift)</i>
<i>Electronic</i>	24	<b>Lotto Machines</b>	30
<b>Hospitals</b>			
<i>Equipment</i>	16	<b>Lumber &amp; Wood Products</b>	
<i>Diagnostic Equipment (CT, MRI, ultrasound, etc.)</i>	24	<i>Logging M&amp;E</i>	18
<i>Laboratory Equip. (non-electric)</i>	18	<i>Log Stackers</i>	18
<i>Laboratory Equip. (electronic &amp; computerized)</i>	24	<i>Pulp, Paper, &amp; Paperboard mfg.</i>	7.5
<i>Mattresses</i>	30	<i>Plywood &amp; Veneer mfg.</i>	8.5
<i>X-Ray</i>	12	<i>Scarifying M&amp;E</i>	18
		<i>Sawmills</i>	
	- I -	<i>Portable</i>	14
<b>Ice Cream Cabinets</b>	16	<i>Stationary</i>	8.5
<b>Ice &amp; Refrigeration Machinery</b>	7.5		
<b>Iron &amp; Steel Industry</b>	7.5		
	- J -		
<b>Janitorial Service Equipment</b>	20	<b>- M -</b>	
<b>Jewelry Store F&amp;F and Equip.</b>	16		
		<b>Machine Shop M&amp;E (production)</b>	
		<b>Machine Shop M&amp;E (not part of production line, such as lathes)</b>	
		<b>Machine Shop – Milling Machines (freestanding, not part of production line)</b>	
		<i>Computer Numeric Controlled (CNC) Trend III/MM</i>	
		<i>Milling Machines (CNC hardware component integrated within the milling machine)</i>	
		<i>Manual Milling Machines (non-CNC)</i>	
		<b>Mailing Machines</b>	
		<b>Meat Packing M&amp;E</b>	
		<b>Meat Processing (Complex)</b>	
		<b>Medical Equipment</b>	
	- K -		
<b>Key Duplication</b>	16		

**INDEX TO**  
**TRENDED INVESTMENT VALUATION INDICATORS**  
*For January 1, 2009, Valuations*

**BUSINESS ACTIVITY OR TYPE OF BUSINESS**

**Use Trend I from Combined Table unless Trend II, Trend III, Supp. A, or Supp. B is indicated**

Trend/Column	Trend/Column
Railroad Rolling Stock-Private (except logging cars) 12	7.5
Railroad Car Conversions 16	
Refrigeration & Cold Storage 8.5	
Rental Equipment	
Costumes 24	
Public U-Rent (excluding Heavy Equipment) 24	
Heavy Equipment (Value by Type)	
Telephones (Residential) 30	
Tuxedos 30	
Research & Development M&E 20	
Restaurants, Soda Fountains, & Drive-Ins 19	
Walk-in Coolers 12	
Retail Stores	
Fixtures 16	
Office F&F (see Office Equip.) 30	
POS Computer Systems 20	
Public Address Systems 24	
Sound Systems (Background) (see Construction)	
Rock Crushers	
- S -	
Sawmills (see Lumber) 24	
Scaffolding (Rental) 18	
Search Lights 24	
Security Systems/Cameras (see Gas Stations) 12	
Service Stations 16	
Sewing Equipment 7.5	
Sewer Construction Equipment 12	
Sheet Metal Fabrication (production line) 16	
Sheet Metal Fabrication (not part of prod. line) 19	
Shipbuilding (see Construction) 19	
Shipyards (see Construction) 19	
Shoes & Leather Products Mfg. M&E 8.5	
Signs	
Bulletin Boards 14	
Billboards Supp. A	
Electronic 16	
Neon 19	
Plastic Illuminated 19	
Poster Panels Supp. A	
Ski Areas	
Snow Cats & Packers 24	
Tows & Lifts 7.5	
Ski Mfg. Equipment 12	
Small Tools (perishable) 24	
Smelting	
Soft Drink Mfg. M&E	
Part of production line 10	
Free standing, not part of a production line 14	
Beverage Canisters/Cylinders 10	
(i.e., Pre-Mix Soda Pop) 10	
CO2 Tanks/Cylinders 24	
Sound Systems (background) 24	
Supermarkets	
Cash Registers & Scanners 24	
Fixtures & Equipment 16	
Meat Packing 12	
POS Computer Systems 30	
Public Address Systems 20	
Walk-in Coolers 12	
Surveying Equipment	
Electronic 24	
Other Survey M&E (non electronic) 14	
- T -	
Tanks	
Agricultural Tanks 16	
Beverage Canisters/Cylinders 10	
(i.e., Pre-Mix Soda Pop) 10	
Bulk Petroleum & Chemical B&LI Trend/6.5	
CO2 Tanks/Cylinders (&Specialty Gasses) 10	
Cryogenic Tanks (part of a M&E setting) 7.5	
Oxygen & Acetylene Tanks/Cylinders 10	
Propane Tanks/Cylinders 12	
Winery Tanks 7.5	
Tanning Salon Equip. 16	
Tavern & Bar Equipment 19	
Antique Back Bars (Value at Cost)	
Television & Radio Equipment (see Radio) 24	
Television (for entertainment) 24	
Telephones	
Cellular 30	
Pagers 24	
Rentals (commercial & residential) 30	
Systems (customer owned) 30	
Fax/Phone/Copier Units 30	
Cell/wireless telephone tower – tower only 7.5	
Cell/wireless telephone tower – with antennae 12	
Cell/wireless telephone antennae – antennae only 24	
Textile Tent & Awning Mfg. M&E 8.5	

## TREND I COMBINED TABLES FOR PERSONAL AND INDUSTRIAL PROPERTY

## Percent Good Indicators -- For January 1, 2009 Valuations

Economic Life (Years)	Age	Year	Trend	30.0%		20.0%		10.0%		1.0%			
				5	7	8	8	11	13	15	18	21	24
1	2008	1,000	0.700	0.800	0.810	0.820	0.840	0.860	0.880	0.900	0.915	0.925	0.935
2	2007	1,032	0.506	0.661	0.577	0.694	0.528	0.763	0.799	0.836	0.864	0.883	0.902
3	2006	1,075	0.369	0.550	0.571	0.583	0.537	0.684	0.733	0.784	0.823	0.851	0.879
4	2005	1,120	0.269	0.459	0.482	0.507	0.558	0.613	0.672	0.755	0.820	0.856	0.888
5	2004	1,173	0.197	0.384	0.409	0.435	0.491	0.552	0.619	0.693	0.753	0.795	0.838
6	2003	1,197	0.150	0.314	0.338	0.364	0.421	0.484	0.556	0.636	0.702	0.750	0.800
7	2002	1,208	0.150	0.253	0.276	0.301	0.357	0.420	0.494	0.578	0.649	0.700	0.755
8	2001	1,218	0.150	0.204	0.226	0.249	0.302	0.364	0.438	0.524	0.598	0.653	0.711
9	2000	1,226	0.150	0.165	0.184	0.206	0.255	0.316	0.388	0.475	0.551	0.608	0.670
10	1999	1,242	0.150	0.150	0.150	0.171	0.217	0.275	0.346	0.433	0.511	0.569	0.634
11	1998	1,247	0.150	0.150	0.150	0.150	0.183	0.237	0.306	0.391	0.469	0.529	0.595
12	1997	1,260	0.150	0.150	0.150	0.150	0.180	0.208	0.272	0.356	0.434	0.494	0.562
13	1996	1,282	0.150	0.150	0.150	0.150	0.180	0.243	0.326	0.404	0.465	0.535	0.590
14	1995	1,306	0.150	0.150	0.150	0.150	0.180	0.218	0.299	0.377	0.439	0.500	0.561
15	1994	1,341	0.150	0.150	0.150	0.150	0.180	0.219	0.276	0.354	0.417	0.481	0.548
16	1993	1,373	0.150	0.150	0.150	0.150	0.180	0.218	0.274	0.331	0.394	0.468	0.535
17	1992	1,398	0.150	0.150	0.150	0.150	0.180	0.215	0.274	0.329	0.392	0.466	0.533
18	1991	1,424	0.150	0.150	0.150	0.150	0.180	0.214	0.288	0.350	0.425	0.492	0.559
19	1990	1,462	0.150	0.150	0.150	0.150	0.180	0.213	0.270	0.332	0.408	0.480	0.547
20	1989	1,513	0.150	0.150	0.150	0.150	0.180	0.212	0.266	0.318	0.394	0.466	0.534
21	1988	1,577	0.150	0.150	0.150	0.150	0.180	0.210	0.260	0.307	0.385	0.453	0.521
22	1987	1,626	0.150	0.150	0.150	0.150	0.180	0.200	0.230	0.293	0.371	0.440	0.508
23	1986	1,651	0.150	0.150	0.150	0.150	0.180	0.200	0.214	0.275	0.352	0.421	0.489
24	1985	1,674	0.150	0.150	0.150	0.150	0.180	0.200	0.215	0.288	0.334	0.400	0.468
25	1984	1,704	0.150	0.150	0.150	0.150	0.180	0.200	0.215	0.279	0.343	0.411	0.479
26	1983	1,752	0.150	0.150	0.150	0.150	0.180	0.200	0.214	0.281	0.350	0.419	0.487
27	1982	1,814	0.150	0.150	0.150	0.150	0.180	0.200	0.213	0.273	0.340	0.408	0.476
28	1981	1,938	0.150	0.150	0.150	0.150	0.180	0.200	0.212	0.272	0.339	0.407	0.475
29	1980	2,169	0.150	0.150	0.150	0.150	0.180	0.200	0.211	0.271	0.338	0.406	0.474
30	1979	2,375	0.150	0.150	0.150	0.150	0.180	0.200	0.210	0.270	0.337	0.405	0.473
31	1978	2,579	0.150	0.150	0.150	0.150	0.180	0.200	0.209	0.269	0.336	0.404	0.472
32	1977	2,759	0.150	0.150	0.150	0.150	0.180	0.200	0.208	0.268	0.335	0.403	0.471
33	1976	2,915	0.150	0.150	0.150	0.150	0.180	0.200	0.207	0.267	0.334	0.402	0.470
34	1975	3,224	0.150	0.150	0.150	0.150	0.180	0.200	0.206	0.266	0.333	0.401	0.469
35	1974	3,642	0.150	0.150	0.150	0.150	0.180	0.200	0.205	0.265	0.332	0.400	0.468
36	1973	3,984	0.150	0.150	0.150	0.150	0.180	0.200	0.204	0.264	0.331	0.399	0.467
37	1972	4,111	0.150	0.150	0.150	0.150	0.180	0.200	0.203	0.263	0.330	0.398	0.466
38	1971	4,251	0.150	0.150	0.150	0.150	0.180	0.200	0.202	0.262	0.329	0.397	0.465
39	1970	4,476	0.150	0.150	0.150	0.150	0.180	0.200	0.201	0.261	0.328	0.396	0.464
40	1969	4,694	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.260	0.327	0.395	0.463
41	1968	4,881	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.259	0.326	0.394	0.462
42	1967	5,061	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.258	0.325	0.393	0.461
43	1966	5,230	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.257	0.324	0.392	0.460
44	1965	5,319	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.256	0.323	0.391	0.459
45	1964	5,356	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.255	0.322	0.390	0.458
46	1963	5,388	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.254	0.321	0.389	0.457
47	1962	5,397	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.253	0.320	0.388	0.456
48	1961	5,413	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.252	0.319	0.387	0.455
49	1960	5,447	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.251	0.318	0.386	0.454
50	1959	5,443	0.150	0.150	0.150	0.150	0.180	0.200	0.200	0.250	0.317	0.385	0.453

**For Trend I assets:** we assume a minimum fair value reduction factor of 15%. Good unless market conditions, appraisal judgement, or other considerations indicate that additional depreciation for obsolescence applies.

### **Trend II Combined Table**

**For Personal Computers, Network Computer, Digital Cameras and  
Computerized Photography Equipment. Microchip Manufacturing  
M&E and Process Support Equipment**

## **Trend III Combined Table For CNC Milling Machines**

30.5

### **Percent Good Indicators – For January 1, 2009 Valuation**

Age	Year	Trend II	C (27)	B (30)	N (25)	S (15)
Economic Life (Years)		→	6	8	10	10
1	2008	1.000	0.730	0.700	0.750	0.850
2	2007	0.916	0.488	0.449	0.515	0.662
3	2006	0.844	0.328	0.289	0.356	0.518
4	2005	0.774	0.220	0.186	0.245	0.404
5	2004	0.712	0.148	0.120	0.169	0.316
6	2003	0.636	0.096	0.075	0.113	0.240
7	2002	0.559	0.062	0.050	0.075	0.179
8	2001	0.508	0.041	0.050	0.051	0.150
9	2000	0.468	0.028	0.050	0.050	0.150
10	1999	0.405	0.020	0.050	0.050	0.150
11	1998	0.338	0.020	0.050	0.050	0.150
12	1997	0.291	0.020	0.050	0.050	0.150
13	1996	0.253	0.020	0.050	0.050	0.150
14	1995	0.232	0.020	0.050	0.050	0.150
15	1994	0.213	0.020	0.050	0.050	0.150
16	1993	0.181	0.020	0.050	0.050	0.150
17	1992	0.149	0.020	0.050	0.050	0.150
18	1991		0.020	0.050	0.050	0.150
19	1990		0.020	0.050	0.050	0.150
20	1989		0.020	0.050	0.050	0.150
21	1988		0.020	0.050	0.050	0.150
22	1987		0.020	0.050	0.050	0.150
23	1986		0.020	0.050	0.050	0.150
24	1985		0.020	0.050	0.050	0.150
25	1984		0.020	0.050	0.050	0.150
26	1983		0.020	0.050	0.050	0.150
27	1982		0.020	0.050	0.050	0.150
28	1981		0.020	0.050	0.050	0.150
29	1980		0.020	0.050	0.050	0.150
30	1979		0.020	0.050	0.050	0.150
31	1978		0.020	0.050	0.050	0.150
32	1977		0.020	0.050	0.050	0.150
33	1976		0.020	0.050	0.050	0.150
34	1975		0.020	0.050	0.050	0.150
35	1974		0.020	0.050	0.050	0.150
36	1973		0.020	0.050	0.050	0.150
37	1972		0.020	0.050	0.050	0.150
38	1971		0.020	0.050	0.050	0.150
39	1970		0.020	0.050	0.050	0.150
40	1969		0.020	0.050	0.050	0.150
41	1968		0.020	0.050	0.050	0.150
42	1967		0.020	0.050	0.050	0.150
43	1966		0.020	0.050	0.050	0.150
44	1965		0.020	0.050	0.050	0.150
45	1964		0.020	0.050	0.050	0.150
46	1963		0.020	0.050	0.050	0.150
47	1962		0.020	0.050	0.050	0.150
48	1961		0.020	0.050	0.050	0.150
49	1960		0.020	0.050	0.050	0.150
50	1959		0.020	0.050	0.050	0.150

**For Trend II assets, use 2% as minimum value for Personal Computers & Attached Peripherals, 5% or 15% for Microchip Manufacturing Machinery & Equipment - Computer Network Equipment that are in use, and 15% for all other assets unless otherwise indicated.**

Age	Year	Trend III	MM (14)
<b>Economic Life (Years)</b>			<b>11</b>
1	2008	1.000	0.860
2	2007	1.000	0.740
3	2006	1.000	0.636
4	2005	1.000	0.547
5	2004	1.000	0.470
6	2003	1.000	0.405
7	2002	0.980	0.341
8	2001	0.898	0.269
9	2000	0.902	0.232
10	1999	0.912	0.202
11	1998	0.920	0.175
12	1997	0.928	0.152
13	1996	0.937	0.150
14	1995	0.976	0.150
15	1994	1.011	0.150
16	1993	1.016	0.150
17	1992	1.020	0.150
18	1991	1.036	0.150
19	1990	1.055	0.150
20	1989	1.119	0.150
21	1988	1.184	0.150
22	1987	1.266	0.150
23	1986	1.299	0.150
24	1985	1.337	0.150
25	1984	1.523	0.150
26	1983		0.150
27	1982		0.150
28	1981		0.150
29	1980		0.150
30	1979		0.150
31	1978		0.150
32	1977		0.150
33	1976		0.150
34	1975		0.150
35	1974		0.150
36	1973		0.150
37	1972		0.150
38	1971		0.150
39	1970		0.150
40	1969		0.150
41	1968		0.150
42	1967		0.150
43	1966		0.150
44	1965		0.150
45	1964		0.150
46	1963		0.150
47	1962		0.150
48	1961		0.150
49	1960		0.150
50	1959		0.150

Use in the valuation of Computer Numeric Controlled (CNC) Milling Machines when demonstrated CNC hardware component is integrated with the milling machine and cannot be separated from the machine or modified other than by software programming.

ORDER OF THE BENTON COUNTY  
BOARD OF EQUALIZATION

Property Owner: Circuit City (Charles Long)

Parcel Number(s): 30PC74900000000

Assessment Year: 2009 Petition Number: E-206-09

Having considered the evidence presented by the parties in this appeal, the Board hereby:  
 sustains       overrules      the determination of the Assessor.

Assessor's True and Fair Value Determination

<input type="checkbox"/> Land	\$ _____
<input type="checkbox"/> Improvements	\$ _____
<input type="checkbox"/> Timber/Minerals	\$ _____
<input checked="" type="checkbox"/> Personal Property	\$ <u>285,293</u>

BOE's True and Fair Value Determination

<input type="checkbox"/> Land	\$ _____
<input type="checkbox"/> Improvements	\$ _____
<input type="checkbox"/> Timber/Minerals	\$ _____
<input checked="" type="checkbox"/> Personal Property	\$ <u>285,293</u>

This decision is based on our finding that: On 13 January 2010, the Board heard testimony from the County Appraiser and an appraiser from her staff regarding personal property owned by the appellant. The Board referred to written evidence prepared by the appellant's agent. The appellant had engaged Ernst & Young to determine the appropriate personal property tax value of the appellant's Richland store personal property assets as of 1 January 2009. The firm determined the value of the appellant's personal property to be \$48,000. Included in the file for the reader is a report of the analysis conducted by Ernst & Young. The County Appraiser said that a list of the personal property held by the appellant as of 1 January 2009 had been sent to and returned by the appellant. Using Washington State Department of Revenue guidelines and tax tables, the Assessor determined the value of the personal property to be \$285,293. The Board questioned the Assessor regarding the large difference between the appellant's value for the personal property compared to the value determined by the Assessor. She said that the appellant reported the book value of the assets whereas the county is required by the State to value the property at its market value. The Board sustains the Assessor's value for the appellant's personal property at \$285,293.

Dated this 20th day of January, (year) 2010

Dale G. Olander  
Dale G. Olander, BOE Chairman

Peggy S. Brown  
Peggy S. Brown, BOE Clerk

**NOTICE**

This order can be appealed to the State Board of Tax Appeals by filing a notice of appeal with them at PO Box 40915, Olympia, WA 98504-0915, within thirty days of the date of mailing of this order. The Notice of Appeal form is available from either the County Board of Equalization or the State Board.

To inquire about the availability of this document in an alternate format for the visually impaired or a language other than English, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985. You may also access tax information on our Internet home page at <http://www.wa.gov/dor/wador.htm>.

Distribution: \*Assessor \*Petitioner \*BOE File

REV 64 0058 (8-05-98)

Exhibit 1